

X. OTHER USES CLAIMS

This chapter describes the procedures unique to the examination of other uses claims. The following elements are discussed.

- A. General Discussion
- B. Flow Rate and Volume
- C. Place Of Use

The examination procedures for the other elements of an Other Use claim are contained in Chapter VI, Claim Examination.

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A. GENERAL DISCUSSION

1. The Other Uses Claim. The "other uses" is a catch-all category for all historic water uses other than irrigation, stockwater, and domestic claims. As a result, it combines a number of very different types of water use.

The other uses claim form used during the claim filing period allowed claimants to choose from 14 generalized types of water uses to describe the historic purpose of their water right. It is now apparent those purpose codes were not specific enough; most allowed the inclusion of a wide variety of dissimilar types of water uses.

The combination of dissimilar uses within the other uses category has made it difficult to come up with usable flow rate and volume guidelines. In addition, there are few outside data sources to supplement the information in the claim file. For example, although USDA aerial photographs and Water Resources Survey data are useful tools for understanding an irrigation claim, they are usually of limited value when examining an other use claim. The few data sources available usually do not directly address questions about historic water use.

Because of limited useful data sources, a thorough examination of other uses claims will require claim specific research, claimant contact, and in many cases, field investigation. Examiners will often have to rely on their judgment to determine the extent to which other uses claims should be examined. The object is to provide good information to the water court while staying within budget and time constraints. The following sections are intended to assist the examiner in making those judgments.

2. Other Use Claim Questionnaires. Most other uses claim files do not provide sufficient information for an adequate examination. To obtain additional information, a questionnaire for each general purpose type has been developed (Exhibits X-1 through X-7). Completed questionnaires often provide information about the design features and the water requirements of a system, and whether the claimed flow rate and volume are consistent with them.

If an other uses claim lacks sufficient data to be adequately examined, a questionnaire should be pursued. The preferred approach would be a personal or telephone interview. Another approach is to send the questionnaire along with a cover letter (Exhibit IV-8) to the claimant. Pump and reservoir questionnaires may also be sent to claimants of other use claims (see section C. below). Combine the mailing of all questionnaires so the number of times a claimant is contacted is minimal.

It is recommended questionnaires be completed for all claims of 100 gpm or more. Questionnaires may be completed for less than 100 gpm at the reviewer's discretion. Questionnaires may be modified to avoid requesting information already available in the claim file or other sources easily accessible to the reviewer.

B. FLOW RATE AND VOLUME

The flow rate is the rate at which water has been appropriated from the source. The volume is the amount of water that has been diverted, impounded, or withdrawn from the source over the year for the claimed purpose. Both the flow rate and volume needed for other uses vary greatly depending on the specific purpose.

See "General Procedures: Standard Measurements Of Water" for standard flow rate and volume units and equivalencies.

1. Identifying Claimed Flow Rate And Volume. Use the procedures in "Irrigation: Flow Rate" and "Volume" to check the claim form and documentation of other uses to identify the claimed flow rate and volume, and to check for correct conversion into standard units of measure.

Runoff. During the filing period, some claimants wrote "runoff" on their claim forms to describe the flow rate. Typically this was done for intermittent (non-perennial flowing) sources to describe why no specific flow rate was claimed. The term may have been added as a remark by the department during clarification as "FR01RUNOFF". This remark is no longer needed and should be deleted during examination.

2. Examining Claimed Flow Rate And Volume. Flow rates and volumes will be decreed as claimed, clarified, or amended. The claimed flow rate and volume will be reviewed using the information in the claim file, outside data sources, water use guidelines for the claimed purpose, and information gained through claimant contact. If necessary, a field investigation may be conducted.

For claimed flow rates that will be decreed, there are two underlying considerations that should be kept in mind. First, has the claimed flow rate actually been diverted? Second, is the claimed flow rate reasonable for the specific purpose? If the answer to either question is no, further information should be pursued to determine what is reasonable and accurate. This thought process should form the basis for reviewing all claims.

Unique Aspects Or Features. Important unclaimed features or aspects of the flow rate or volume may be identified on the department's examination report using a flow rate or volume remark code, e.g. FR01.

Example: **** VM01CASE NO. 0000, TETON COUNTY, DECREES ONE-THIRD INTEREST OF THE CEDAR LAKE STORAGE RIGHT.

a. Changing Flow Rate Or Volume. The claimed flow rate or volume will not be changed during examination unless:

- amended by the claimant;
- clarified by the department;
- to standardize units of measure;
- to apply standards (see part 3 below).

Changes may be made directly to the worksheet. Place an asterisk in the brackets to the left of the appropriate heading to denote changes that will result in a flow rate or volume different from that on the claim form or amendment. Standardization of units of measure need only a check mark to alert the coder.

b. Claimant Contact. For system types receiving a flow rate and/or volume in the decree, claimant contact may be required. In conjunction with the review criteria in this subchapter, the claimant should also be contacted whenever the claimed flow rate and/or volume is unclear, has apparent discrepancies, or appears unreasonable. The contact may have one of several outcomes.

- Information discussed confirms the claimed flow rate or volume. Document the information supporting the claimed value.
- A flow rate or volume different from that claimed is substantiated which the claimant wishes to have replace the claimed data. The claim can be changed by an amendment from the claimant. Document the information used to substantiate the new data.
- If the issue is unresolved, e.g. data is insufficient to confirm the claimed flow rate or volume, or data support an actual flow rate or volume different from the one claimed, add an issue remark to the department's examination report. See issues section below.

c. Data Sources. There are several data sources and procedures that may help identify which other use claims appear to claim a flow rate and volume that are reasonable and customary.

Claim File. A careful review of the claim file sometimes indicates the existence of flow rate/volume issues. The claim file may provide a clear enough picture of how water is used to determine whether the claimed flow rate is reasonable and customary. For example, if it is clear the only use of a water right in a commercial establishment is for personal hygiene, a claimed flow rate of 400 gpm seems larger than is reasonable and customary, and requires claimant contact.

Questionnaires. When the claim file does not provide sufficient data to support a flow rate or volume larger than what is reasonable and customary for the claimed purpose, a questionnaire (Exhibits VI-6, VII-3, VII-5, X-1 through X-7) should be pursued. The preferred approach would be a personal or telephone interview. Another approach is to send the questionnaire along with a cover letter (Exhibit IV-8) to the claimant, especially when the claimant cannot be contacted by telephone or in person.

Published Literature. Any relevant literature in the public domain may also be used by the reviewer. This type of material falls into two broad categories; site specific and general.

- Site Specific. Information on the water uses of large hydropower projects, mining, industrial facilities, and municipal water systems can often be found in industry publications, environmental impact statements, and records of other government agencies. Such sources of information should be located and reviewed whenever a claim is made for significant amounts of water.
- General. The EPA has developed guidelines on the daily water requirement for resorts, trailer parks, schools, theaters, stores, motels, hospitals, etc. (Exhibit X-12). Use these guidelines to identify reasonable and customary volumes, and to help determine if the claimant should be contacted.

BLM guidelines on the requirements of mining operations should also be reviewed (Exhibit X-13). The BLM guidelines, combined with information provided by a returned mining questionnaire, may help determine approximate water use requirements for a specific mining operation.

USGS flow data may be available for some of the larger streams in a basin. These data might serve as a check on claimed rates of diversion from those, and upstream, sources.

Mean Stream Flow Estimation Methods. The approximate average annual flow of a stream can be determined by using the Orsborn method, which is described in Exhibit X-14. Other available techniques are shown as Exhibits X-15 and X-16. These techniques are strictly a tool for reviewing the claimed flow rate to trigger claimant contact and further review. Application of the techniques are not required if other review adequately substantiates the claimed flow rate.

The general criteria for applying any of the three average annual flow techniques are:

- source is surface water;
- claim does not involve a pump or onstream reservoir;
- drainage area is under 200 square miles;
- claim is for mining, power generation, or fish raceways at 100 gpm or more; or
- for other "other uses" purposes at 2.5 cfs or more.

Once the average annual discharge (QAA) has been determined, retain the calculation worksheet and drainage area map as part of the file. Document the QAA on the examination worksheet. Use the QAA to determine if claimant contact is desirable, not as conclusive proof that the claimed flow rate is in error. If the difference between the claimed flow rate and QAA is significant and the issue is unresolved through claimant contact, add a flow rate remark to the department's examination report.

Example: F220 FR51THE CLAIMED FLOW RATE EXCEEDS THE ESTIMATED
AVERAGE ANNUAL FLOW OF THE SOURCE (3.50 CFS).

d. Feasibility Checks. Claims that will be decreed both a flow rate and volume should be checked for feasibility. The comparison statistics under Volume on the examination worksheet list the maximum feasible volume that can be produced by the claimed flow rate, assuming 24 hours/day of operation throughout the claimed period of use (year round use equals 366 days). Compare this figure to the claimed volume.

When a claimed flow rate or period of use has been amended, recalculate the maximum feasible volume figure using one of the following equations.

For cfs: Feasible $V = Q \times \text{days used} \times 1.9834711$

For gpm: Feasible $V = (Q \times \text{days used}) / 226.28542$

Contact the claimant when a claimed volume exceeds the maximum feasible volume. Flow rate, volume, and period of use should be discussed with the claimant to determine which is in error.

When claimant contact does not resolve the problem, the computer will add a volume remark to the department's examination report.

Example: VM51THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE
VOLUME. BASED ON FLOW RATE AND PERIOD OF USE, THE MAXIMUM
VOLUME POSSIBLE IS 3.20 ACRE-FEET PER YEAR.

e. Nonconsumptive Uses. Add a nonconsumptive use remark to the department's examination report when the claimed volume is greater than 15 acre-feet and it is clear the amount of water consumed is negligible. It may be necessary to contact the claimant, review outside data sources and, if available, a returned questionnaire to make this determination. Examples of claims which might require a nonconsumptive use remark include hydropower, flood control, recreation, fish and wildlife, placer mining, fish raceways, and navigation claims.

Example: V20 VM51THE USE OF THIS WATER APPEARS TO BE LARGELY
NONCONSUMPTIVE.

f. Large Claims. Claims describing a flow rate of 15 cfs or more, and/or a volume of 15,000 acre-feet or more should

be brought to the attention of the program manager. The program manager will determine when any special steps need to be taken in reviewing such claims. It is not necessary to refer claims listing large flow rates and volumes when those figures are obviously based on a claimant's misconceptions about units of water measurement, rather than the existence of a large project or facility. In those cases, follow the standard procedure of reviewing data sources, contacting the claimant, etc.

3. Specific Flow Rate And Volume Review Criteria. This section contains criteria for different types of other uses systems to be used as benchmarks for conducting department review or claimant contact. Claimed flow rates or volumes below these guidelines will generally be accepted, but may be reviewed further if there is an apparent error or conflicting data.

a. Other Uses Claims Without Reservoirs. Flow rates and volumes for other uses claims without reservoirs will be decreed as claimed, clarified or amended.

Due to the wide variety of purposes within the other uses category, there are no precise flow rate or volume guidelines in the claims examination rules regarding most purposes on other uses claims. The general guideline established by the rules is the reasonable and customary water use for the claimed purpose. The rules do establish specific guidelines for the following uses:

- fish and wildlife, wildlife, recreation, and navigation
- mining
- fire protection

Procedures for these uses, agricultural spraying and municipal (for which the department has developed specific guidelines) are discussed separately in sections c. through g. below.

Where specific guidelines do not exist, rely on questionnaires, common sense, a knowledge of their area, various data sources, claimant contact, and (if necessary) field investigations. It may be possible to obtain data defining the diversion rate, e.g., pump or pipeline data. This data may be used to determine the actual flow rate for the claim.

When a claimed flow rate or volume exceeds the guideline of what is reasonable and customary for the claimed purpose, review the claim file for data to support the claimed flow rate/volume. When a claimed flow rate and volume will be decreed, also review the number of hours per day it takes to deliver the claimed volume ('comparison stat.'). A high figure (greater than 10 hrs/day) may indicate a problem with the volume, flow rate or period of use. If the claimed flow rate or volume is not supported by data in the claim file, contact the claimant. If contact is inconclusive, add an issue remark to the department's examination report.

If adjustments are made to the claimed volume, flow rate or period of use, revise the hrs/day figure ('comparison stat.') to confirm the claim is reasonable.

When the claimed flow rate or volume can't be examined due to lack of data and is large enough to raise doubts about being reasonable and customary for the purpose, the appropriate following remark may be added to the department's examination report.

Examples: F85 FR51THE CLAIMED FLOW RATE WAS NOT EXAMINED AS NO FLOW RATE GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIM EXAMINATION RULES.

V25 VM51THE CLAIMED VOLUME WAS NOT EXAMINED AS NO VOLUME GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIM EXAMINATION RULES.

b. Other Uses Claims With Reservoirs. Flow rate and volume guidelines and procedures for other use claims involving reservoirs are based on whether the reservoir is onstream or offstream. Refer to "Claim Examination: Reservoirs" for general procedures pertaining to reservoirs.

Flow Rate For Onstream Reservoirs. A flow rate will not be decreed. Change the claimed flow rate to "0.00" and place an asterisk in the left margin of the worksheet next to the changed flow rate. The computer will add the following remark to the decree abstract.

NO FLOW RATE HAS BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

(NOTE: This remark is not stored in the computer.)

If the claim uses other than stored water from the onstream reservoir, such as diversions upstream from the reservoir, a flow rate will be decreed. Examine the claimed flow rate using the procedures specified in part a. above.

Flow Rate For Offstream Reservoirs. The flow rate for other uses systems involving offstream reservoirs where control of the reservoir is part of the right will be decreed as claimed, clarified, or amended. The guideline for reviewing these claims is the capacity of the diversion and conveyance systems.

The claimed flow rate will be compared to information in the claim file and other data for information identifying the capacity of the diversion and conveyance system. Any information found supporting the diversion or conveyance capacity should be noted on the reservoir worksheet and a copy placed in the claim file. When there is no information regarding the capacity of the diversion and conveyance system, or the diversion and conveyance system are shared by more than one owner, compare the claimed flow rate to the guideline identified for the claimed purpose. See 3.a. above.

If the claimed flow rate exceeds the capacity of the diversion and conveyance system, or the identified guideline when the diversion and conveyance capacity are not known, contact the claimant. If the contact is inconclusive, add a flow rate issue remark to the department's examination report.

Volume For All Reservoirs. The volume for other uses systems involving reservoirs where control of the reservoir is part of the right will be decreed as claimed, clarified, or amended. When the volume is greater than 15 AF, data will be collected and added according to the procedures in "Claim Examination: Reservoirs".

When the claimed volume is 15 AF or less, it will normally be accepted and a comment should be added to the worksheet noting the volume was not examined.

When a claimed volume appears to exceed what is reasonable and customary for a claimed purpose, contact the claimant. Guidelines for when a claimed volume may be unreasonable are:

- The claimed volume is greater than two times (2X) the capacity of the reservoir.
- The claimed volume is greater than the volume which can flow through a non-consumptive system on a perennial stream during the period of use.

Add an issue remark to the department's examination report if contact is inconclusive.

If the claimed volume is over 15 AF, cannot be examined using the procedures outlined in this section, and is large enough to raise doubts about being reasonable for the purpose, add the following remark to the department's examination report. Other uses claims with this remark should be sent to the program manager to be reviewed.

Example: V25 VM51THE CLAIMED VOLUME WAS NOT EXAMINED AS NO VOLUME GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIM EXAMINATION RULES.

c. Fish And Wildlife, Wildlife, Recreation, And Navigation. No flow rate or volume will be decreed for these uses except in the following circumstances:

- pump (use procedures in part 3a above)
- pipeline (use procedures in part 3a above)
- reservoir (use procedures in part 3b above)
- pothole lake claims by U.S. Government (see below)
- Murphy Rights (see below)

When the system for these uses involves other than the exceptions listed above, do not examine the flow rate and volume. Change the claimed flow rate and volume to zero (0.00) and add

asterisks in the margin of the worksheet. The computer will add the following remark to the decree abstract.

THE FLOW RATE AND VOLUME ARE LIMITED TO THE MINIMUM AMOUNTS NECESSARY TO SUSTAIN THIS PURPOSE. THIS RIGHT SHALL CONTINUE TO BE UTILIZED IN ACCORDANCE WITH HISTORICAL PRACTICES.

(NOTE: This remark will not be stored in the computer.)

To examine the purpose for fish and wildlife, wildlife and recreation refer to the guidelines discussed in "Claim Examination: Purpose."

Pothole Lake Claim By U.S. Government. No flow rate will be decreed for this type of claim. Change the claimed flow rate to zero (0.00) and add an asterisk in the margin of the worksheet.

A volume will be decreed for this type of claim filed by the U.S. Government (e.g., BLM, Fish and Wildlife Service, or Forest Service). Volumes for these claims are retained and decreed pursuant to the June 17, 1985 Order from the water courts. Examine the claimed volumes using the procedures in 3a above. The guideline for evaluating the claimed volume will be the capacity of the pothole lake.

Murphy Rights. The flow rate and volume of instream fish and wildlife claims filed by the Montana Department of Fish, Wildlife, and Parks on "Murphy Right" streams as identified in Exhibit X-17 will be decreed as claimed, clarified, or amended. Check the claimed flow rate and volume against the attached filed appropriation and stream flow records and add the following remark to the department's examination report. If discrepancies exist, contact the claimant.

Example: P600 PU01THIS RIGHT IS SUBJECT TO ALL PRIOR RIGHTS. THE FLOW RATE AND VOLUME REPRESENT THE CLAIMED NEEDS OF THE STATE DEPARTMENT OF FISH WILDLIFE AND PARKS TO MAINTAIN STREAMFLOWS FOR THE PRESERVATION OF FISH AND WILDLIFE HABITAT. THE CLAIMED AMOUNTS ARE MADE A MATTER OF RECORD BUT ARE SUBJECT TO CHANGE SHOULD THE COURT DETERMINE THAT THOSE WATERS ARE NEEDED FOR USES DETERMINED TO BE MORE BENEFICIAL TO THE PUBLIC. SEE R.C.M. §89-801 (1947), NOW REPEALED BY SEC. 46, CH. 452, LAWS 1973.

d. Mining. The flow rate guideline for mining is the reasonable and customary amount for the specific type of mining and system. Examine claimed flow rates for mining according to the procedures in section 3a. or 3b. above. If the claimed flow rate is greater than 100 gpm, compare it to the mean stream flow as estimated using the Orsborn method of analysis.

Volumes will not be decreed for direct flow mining systems, i.e., no reservoir is involved. Do not examine claimed volumes for

claims to direct flow mining use. Change the volume to zero (0.00). The computer will add the following remark.

THIS RIGHT IS LIMITED TO THE VOLUME OF WATER HISTORICALLY USED FOR MINING PURPOSES.

(NOTE: This remark will not be stored in the computer.)

e. Municipal. The flow rate and volume for municipal claims will be decreed as claimed, clarified, or amended. The flow rate and volume guidelines for municipal claims are the reasonable and customary amounts for the size of the municipality and/or delivery system.

Information on the population of municipalities can usually be obtained by contacting the local Chamber of Commerce, the Census Bureau or the Department of Commerce. A municipal questionnaire (Exhibit X-2), or other questionnaires can be used to obtain additional information about the system.

Examine the claimed flow rate according to the procedures in 3a and 3b above. If the claimed flow rate is not substantiated by information in the claim file or questionnaires (municipal, pump, etc.), contact the claimant. If contact is inconclusive, add a flow rate issue remark to the department's examination report.

Based on a method developed by the department, the guideline for reviewing the claimed volume is 250 gallons per capita per day (gcpd). See Exhibit X-18. Use 1970 census data to determine the population figure for calculating the gcpd. If the claimed volume is not substantiated by information in the claim file or questionnaires, calculate a volume using the guideline. Compare this calculated volume to the claimed volume. If the claimed volume exceeds the calculated guideline, contact the claimant. If the issue is unresolved, add a volume issue remark to the department's examination report.

If the municipal purpose involves multiple claims in a manifold system and the combined volume in gcpd is excessive, see "Place of Use: Supplemental Other Uses Right" below.

f. Fire Protection. Claims where the only purpose identified is fire protection will not be decreed a flow rate or volume. Do not examine the claimed flow rate or volume (parts 3a and 3b above do not apply). Change both claimed values to zero (0.00). The computer will add the following remark.

THE FLOW RATE AND VOLUME OF THIS RIGHT ARE LIMITED TO THE MINIMUM AMOUNTS NECESSARY FOR FIRE PROTECTION PURPOSES.

(NOTE: This remark will not be stored in the computer.)

For claims where fire protection is identified as a secondary purpose, add the following incidental use remark to the decree abstract. Refer to "Claim Examination: Purpose: Purpose Issues" section for further discussion.

Example: P555 PU01THIS WATER RIGHT IS INCIDENTALLY USED FOR FIRE PROTECTION.

g. Agricultural Spraying. The volume guideline for agricultural spraying is 2 AF per year or 4 AF per year if a reservoir is involved (parts 3a and 3b above do not apply). When a claimed volume exceeds the guideline, the claim file should be reviewed for data supporting the claimed volume. If the guideline is exceeded, and not supported by the claim file, contact the claimant. Find out approximately how many acres per year are sprayed. To check the claimed volume, assume that 20 gallons/acre is used.

If the claimed volume is greater than 20 gallons/acre and contact is inconclusive, add a volume issue remark to the department's examination report.

The claimed flow rate should be reviewed using the procedures in 3a or 3b above.

h. Formerly Decreed Flow Rates Or Volumes. Flow rates or volumes based on decrees involving pre-1973 water rights will be decreed as claimed, clarified, or amended. If volume were formally decreed, add a volume remark to the department's examination report.

Example: V10 VM01THIS VOLUME WAS PREVIOUSLY DECREED IN CASE NO. 0000, MEAGHER COUNTY.

If the claimed amount exceeds the amount historically decreed, contact the claimant. An implied claim may be involved if the claimant uses the difference between the claimed and decreed amount. If the issue is unresolved, add the following flow rate remark to the department's examination report.

Examples: F90 FR51THE CLAIMED FLOW RATE EXCEEDS THE 150 MINER'S INCHES OF CROOKED CREEK DECREED IN CASE NO. 0000, TETON COUNTY.

V30 VM51THE CLAIMED VOLUME EXCEEDS THE 1,750 ACRE-FEET DECREED IN CASE NO. 9999, PONDERA COUNTY.

A formerly decreed flow rate or volume will be compared to the guideline for the claimed purpose. For claimed amounts exceeding the guideline, contact the claimant. If the issue is unresolved, add an issue remark to the department's examination report. See issues section below.

Flow rates or volumes for other uses claims that will be decreed a flow rate and are based on formally decreed rights will be recorded. When a historically decreed right is found to be exceeded by the combined flow rate of claims based on that right, add a decree exceeded (DE) remark to the department's examination

report. See "Irrigation: Flow Rate: Recording Documentation" section.

4. Other Uses Flow Rate And Volume Issues. Any pertinent flow rate or volume issues discovered during the examination should be remarked on the department's examination report using a flow rate (FR) or volume (VM) remark, as appropriate.

a. Flow Rate Excessive. When a claimed flow rate that will be decreed appears excessive for the circumstances of the claim (e.g., diversion and conveyance, purpose) and contact has not resolved the issue, add a flow rate (FR) remark to the department's examination report.

Examples: F225 FR51THE CLAIMED FLOW RATE APPEARS TO/MAY BE HIGH FOR THIS PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

F230 FR51THE CLAIMED FLOW RATE APPEARS TO EXCEED THE REASONABLE AND CUSTOMARY FLOW RATE FOR THIS PURPOSE. AVAILABLE DATA SUPPORT AN ACTUAL FLOW RATE OF 2.41 CFS.

F145 FR51THE CLAIMED FLOW RATE APPEARS TO EXCEED THE CAPACITY OF THE DIVERSION AND CONVEYANCE SYSTEM. AVAILABLE DATA SUPPORT A FLOW RATE OF 2.50 CFS.

**** FR51US BUREAU OF MINES CIRCULAR NO. 8305 (1966) LISTS THE DIVERSION CAPACITY FOR THIS ORE PROCESSING FACILITY AT 400 GPM.

F240 FR51THE CLAIMED FLOW RATE CANNOT BE CONFIRMED DUE TO A LACK OF DATA.

F245 FR51THE CLAIMED FLOW RATE MAY BE QUESTIONABLE. DOCUMENTATION SUBMITTED WITH THIS CLAIM INDICATES A FLOW RATE OF 30 GPM.

F250 FR51INFORMATION IN THE CLAIM FILE DESCRIBES A HISTORIC FLOW RATE OF 35 MINER'S INCHES AND A VOLUME OF 40 ACRE-FEET PER YEAR.

F255 FR51ACCORDING TO INFORMATION IN THE CLAIM FILE, THE CLAIMED FLOW RATE EXCEEDS THE CAPACITY OF THE CONVEYANCE SYSTEM.

F260 FR51THE FLOW RATE FOR THIS WATER RIGHT WAS MEASURED AS 112 GPM DURING A FIELD INVESTIGATION CONDUCTED ON 09/17/87.

F220 FR51THE CLAIMED FLOW RATE EXCEEDS THE ESTIMATED AVERAGE ANNUAL FLOW OF THE SOURCE (3.50 CFS).

b. Volume Excessive. When a claimed volume appears excessive for the circumstances of the claim (e.g., diversion and conveyance, purpose, reservoir capacity) and contact has not resolved the issue, add a volume (VM) remark to the department's examination report.

Examples: V40 VM51THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 2.9 TIMES THE CAPACITY OF THE RESERVOIR.

V77 VM51VOLUME APPEARS TO BE EXCESSIVE FOR A BUCKET MEANS OF DIVERSION.

V85 VM51VOLUME MAY BE EXCESSIVE. BASED ON THE FLOW RATE AND PERIOD OF USE, THE SYSTEM WOULD HAVE TO RUN 24.0 HOURS PER DAY TO DELIVER THE CLAIMED VOLUME. NO INFORMATION EXISTS IN THE CLAIM FILE TO CONFIRM THIS FIGURE.

V100 VM51THE CLAIMED VOLUME APPEARS TO/MAY BE EXCESSIVE FOR THE CLAIMED PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

V111 VM51THE CLAIMED VOLUME CANNOT BE CONFIRMED DUE TO LACK OF DATA.

V115 VM51THE CLAIMED VOLUME APPEARS TO EXCEED THE REASONABLE AND CUSTOMARY VOLUME FOR THIS PURPOSE. AVAILABLE DATA SUPPORT A VOLUME OF 4.80 ACRE FEET PER YEAR.

V120 VM51THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. AVAILABLE DATA SUGGEST THE ACTUAL VOLUME IS 1.20 ACRE-FEET PER YEAR.

**** VM51THE MANUAL OF INDIVIDUAL WATER SUPPLY SYSTEMS DESCRIBES A YEARLY WATER REQUIREMENT OF 3.20 ACRE-FEET FOR THE CLAIMED PURPOSE.

V130 VM51THE CLAIMED VOLUME EXCEEDS THE 2.00 ACRE-FEET GUIDELINE FOR AGRICULTURAL SPRAYING.

V135 VM51THE CLAIMED VOLUME MAY BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME IS 600 GALLONS PER CAPITA PER DAY (GCPD) BASED ON THE 1980 CENSUS POPULATION OF 2,518 PEOPLE.

c. Claimed Flow Rate Or Volume Appears Inadequate.
If the claimed flow rate or volume, for a right to be decreed a flow rate or volume, appears inadequate for the specific purpose or compared to available data, contact the claimant. If claimant contact is inconclusive, add a remark to the department's examination report.

Examples: V45 VM51THE CLAIMED VOLUME APPEARS TO BE INADEQUATE FOR THE CLAIMED PURPOSE.

F185 FR51THE CLAIMED FLOW RATE APPEARS TO BE INADEQUATE FOR THE CLAIMED PURPOSE.

d. No Flow Rate Or Volume Claimed. If no flow rate or volume was claimed, for a right to be decreed a flow rate or volume, contact the claimant. If a flow rate or volume is not submitted, check that the value is expressed as "0.00" on the worksheet and add a "KEEP" flag to the right of the flow rate. Add a remark to the department's examination report.

Examples: V95 VM51NO VOLUME HAS BEEN CLAIMED.

F190 FR51NO QUANTIFIED FLOW RATE HAS BEEN CLAIMED.

e. Claimed Flow Rate Or Volume Not Numerically Quantified. Where a claimed flow rate or volume is to be decreed and the claim states "All" or a portion of "All" (e.g., "½ of ALL"), follow the procedures as described in "Domestic: Flow Rate: Claimed Flow Rate Not Numerically Quantified" and "Domestic: Volume: Claimed Volume Not Numerically Quantified".

C. PLACE OF USE (POU)

The place of use for other uses claims will be defined by a legal land description. Typically, acres were not identified on other use claims. However, if a claim has a specified number of acres for uses such as municipal (e.g. cemetery) or commercial (e.g. golf course), the acres should be retained.

1. Identifying Claimed Place Of Use. Identify the claimed place of use on an other uses claim using the same procedures outlined in section VII.F., Irrigation: Place of Use.

Additional Legal Land Descriptions. Pay close attention when identifying or examining other use POUs for additional legal land descriptions that would give the place of use a clearer, more precise definition. Government lots, subdivisions, certificates of survey, homestead entry surveys, and mineral surveys, when available, are useful supplements to a conventional ~~¼¼~~ section, township, and range legal land description. Such descriptions may be added directly to the examination worksheet (government or subdivision lots) or put in a remark format (subdivision names, homestead entries, mineral surveys). Code such land description remarks to appear on the decree abstract.

When adding such legal land descriptions, make certain that portions of the historic place of use are not excluded. For example, if it is not clear the place of use falls entirely within a mineral survey, add a remark to appear on the decree abstract.

Detailed discussion of these types of legal land descriptions is given in "Claim Examination: Additional Legal Land Descriptions."

2. Examining Place Of Use. Review the place of use of an other uses claim using one or more of the following data sources.

- USGS topographic maps
- orthophotoquads
- USDA aerial photographs
- Water Resources Survey Data
- returned questionnaires
- industry publications
- city directories
- mining histories
- records of other government agencies

If a claimed place of use cannot be substantiated by an outside data source contact the claimant and, if necessary, arrange a field investigation. When the claimant contact does not resolve a place of use issue, add an issue remark to the examination report.

Example: P335 PL51USDA AERIAL PHOTOGRAPH NO. 1379-48, DATED 06/18/80, SHOWS NO EVIDENCE OF FISH RACEWAYS AT THE CLAIMED PLACE OF USE.

Unique Features or Aspects. Any unique aspects or features of the place of use may be remarked using a place of use (PL) remark.

Examples: P215 PL01THE PLACE OF USE IS THE TOWN OF BAKER.

PL01THE PLACE OF USE IS EAST OF RIMINI ROAD.

PL01THE PLACE OF USE IS THE SURFACE AREA OF BAIR
RESERVOIR AT THE TOP OF THE FLOOD POOL.

Agricultural Spraying. If the claim form has legal land descriptions for the POU which are confirmed by the claimant's map, then the claimed POU parcel descriptions should be accepted. If the claim file is vague as to the boundaries of the sprayed area or it is known the spraying occurs on other than the claimant's property, the POU legal land description should be crossed out and a place of use (PL) remark added to the decree abstract.

Examples: **** PL01THE PLACE OF USE IS IN TWP 10N RGE 20E AND TWP
10N RGE 21E, CASCADE COUNTY.

**** PL01THE PLACE OF USE IS FROM TWP 10N TO TWP 15N AND
RGE 12E TO RGE 15E, CASCADE COUNTY.

P205 PL01THE PLACE OF USE IS THE GENERAL AREA WITHIN A
FIVE MILE RADIUS OF THE POINT OF DIVERSION.

Claimant contact may be necessary to fully understand where the spraying is occurring.

3. Supplemental Other Uses Rights. When reviewing other uses claims be alert to the existence of supplemental rights. Supplemental rights occur when a claimed place of use of a water right overlaps the claimed place of use of another water right having the same purpose and belonging to the same owner. Add the following remark to the examination report for all supplemental other uses claims.

Example: S135 SR01WHENEVER THE WATER RIGHTS FOLLOWING THIS
STATEMENT ARE COMBINED TO SUPPLY WATER FOR THE
CLAIMED PURPOSE, EACH IS LIMITED TO THE HISTORICAL
FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT.
THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT
EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL
USE. W000000-00, W000000-00, W000000-00, W000000-00.

Supplemental rights issues may exist involving flow rate and volume. When the combined flow rate and/or volume of two supplemental rights exceeds the guideline for their purpose of use by a factor of two or more, add an issue remark to the examination report for each claim.

Examples: S155 SR51THE COMBINED FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS EXCEEDS THE FLOW RATE GUIDELINE FOR MINING PURPOSES BY A FACTOR OF TWO.

S160 SR51THE COMBINED CLAIMED VOLUME FOR THE FOLLOWING CLAIMS IS 1720 GALLONS PER CAPITA PER DAY (GCPD) BASED ON THE 1980 CENSUS POPULATION OF 1896 PEOPLE AND A TOTAL CLAIMED VOLUME OF 3657 ACRE-FEET. THIS APPEARS EXCESSIVE FOR THE CLAIMED PURPOSE. W043377-00, W043378-00, W045736-00, W045737-00.

S165 SR51THE COMBINED CLAIMED VOLUME/FLOW RATE FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 480.00 ACRE-FEET/300 GPM WHICH CANNOT BE CONFIRMED DUE TO LACK OF DATA.

S170 SR51THE COMBINED CLAIMED VOLUME FOR THIS GROUP OF SUPPLEMENTAL RIGHTS IS 1,480.00 ACRE-FEET DATA IN THE CLAIM FILE INDICATES A MAXIMUM USE OF 810.00 ACRE- FEET PER YEAR.